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EX PARTE

January 26, 2005

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
455 12th Street, S.W.
Washington, D.C. 20554

Re: Notice of Ex Parte Presentation
CG Docket No. 02-248


Dear Ms. Dortch:

Chrys D. Lemon of McIntyre Law Firm, PLLC, has made the following contacts have been made on behalf of Mass Marketing Insurance Group ("MMIG") and National Union Fire Insurance Company ("NUFIC"):

<u>Date</u>	<u>Met with:</u>
Dec. 16, 2004	Scott Bergmann (Comm'r Adelstein's office)
Jan. 11, 2005	Matthew Brill (Comm'r Abernathy's office)
Jan. 14, 2005	Daniel Gonzalez (Comm'r Martin's office)
Jan. 18, 2005	Jessica Rosenworcel (Comm'r Copps's office)
Jan. 18, 2005	Aaron Goldberger (Chairman Powell's office)
Jan. 19, 2005	Scott Bergmann (Comm'r Adelstein's office)
Jan. 24, 2005	Daniel Gonzalez (Comm'r Martin's office) (via telephone)
Jan. 26, 2005	Christopher Libertelli and Aaron Goldberger (Chairman Powell's office)

During each of these meeting, the discussion concerned the extent to which an "established business relationship" that exists between a seller, specifically a bank, and an individual whose telephone number is on the national Do Not Call List, may be used by an affiliate of the bank to call the individual to market insurance products to the individual. Also discussed was the present status of the petition for reconsideration filed by MMIG and NUFIC. Attached is a copy of a letter sent to Chairman Powell.

Sincerely,



Chrys D. Lemon

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The Honorable Michael K. Powell
Chairman, Federal Communications Commission
445 – 12th Street, S.W.
Washington, DC 20554

January 18, 2005

Re: Request for Meeting to Discuss an Item Currently “On Circulation”

Dear Chairman Powell:

The Commission is considering “on circulation” several issues related to the National “Do Not Call” prohibition. **I need to meet with you at your earliest convenience** to discuss an issue raised by our clients, Mass Marketing Insurance Group and National Union Fire Insurance Co., regarding the scope of the “established business relationship” (“EBR”) exception. The Commission’s regulation under review provides that a company’s EBR with a customer extends to its affiliates so long as the customer “would **reasonably expect** them to be included given the nature and type of goods or services offered by the affiliate and the identity of the affiliate.” Our clients seek clarification that a bank’s EBR with a customer extends to an affiliated insurance agency, even for insurance underwritten by a nonaffiliated insurance company. Here’s why:

- **Insurance marketing is unique.** Insurance is manufactured by an insurance company and is normally marketed through a licensed insurance agent appointed by the insurance company. The agent is the intermediary, who is required to have significant knowledge about the insurance product being offered. For the consumer, the agent is the “face” of the insurance product.
- **The general public has come to view insurance as just another banking product.** The 1999 Gramm-Leach-Bliley Act permits banks, through their affiliates, to offer “financial products and services.” Bank-insurance marketing is a generally accepted financial activity for banks. A bank customer should not be surprised when a bank-affiliated insurance agency calls offering a product endorsed by his or her bank.
- **An insurance company’s relationship with a bank is irrelevant to a bank customer’s expectation.** The bank’s agency offering the insurance product, not the affiliation of the insurance company, is what the customer relates to. Consequently, the affiliation of the insurance company should not affect the bank customer’s expectation. I look forward to hearing from you.

Sincerely,

/s/

James T. McIntyre

